

was alleged for the reason that the labels upon the sacks were false and misleading in that the product purported to be a product consisting of bran and shorts, when, in truth and in fact, it consisted of bran, shorts, cracked wheat, and screenings. Misbranding was alleged for the further reason that the label and brand upon the sacks deceived and misled the purchaser into the belief that the product consisted of bran and shorts, whereas it consisted of bran, shorts, cracked wheat, and screenings.

On April 24, 1913, the said Rea-Patterson Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal. It was provided, however, that the 38 sacks of the product that had been seized should be redelivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$150 in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3073. Adulteration of wheat bran. U. S. v. 400 Sacks Soft Winter Wheat Bran. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5162. S. No. 1769.)

On April 17, 1913, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 sacks, each containing 100 pounds of a product purporting to be soft winter wheat bran, remaining unsold in the original unbroken packages and in possession of the Cumberland Valley Railroad, Dillsburg, Pa., alleging that the product had been shipped on or about December 25, 1912, to Bernet Kraft & Kaufman Mill Co., notify Jonas F. Ebey & Son, Lancaster, Pa., and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it was shipped as wheat bran, thereby indicating and publishing and intending thereby to publish and declare that the contents of each sack was wheat bran, whereas, in truth and in fact, it was not such genuine wheat bran, but contained 26.47 per cent of foreign matter, consisting almost entirely of wheat screenings which had been mixed and packed with and substituted for wheat bran so as to reduce or lower or injuriously affect its quality and strength.

On May 8, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3074. Adulteration and misbranding of Majestic Beer. U. S. v. Independent Brewing Co. Plea of non vult contendere. Fine, \$50 and costs. (F. & D. No. 5163. I. S. No. 1308-e.)

On November 7, 1913, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Independent Brewing Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on September 12, 1912, from the State of Pennsylvania into the State of New Jersey, of a quantity of a product described as Majestic beer, which was adulterated and misbranded. The product was labeled: (Tin top) "Drink Majestic Beer." (Molded in shoulder of bottle) "Independent B. Co." (Paper label) "Brewed from choice malt and hops. Pilsener type. Majestic Light Beer. The Independent Brewing Co., Philadelphia, Pa. Registered U. S.